

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ALCATEL-LUCENT USA INC.

Plaintiff,

V.

AMAZON.COM, INC., et al

Defendants,

V.

ENDECA TECHNOLOGIES, INC.,

Third Party Defendant.

[illegible]

Civil Action No. 6:09-cv-422-LED

## JURY TRIAL DEMANDED

## **UNOPPOSED MOTION FOR HEARING**

Third party defendant Endeca Technologies, Inc. (“Endeca”) respectfully requests a hearing on its Motion to Dismiss Third-Party Complaint Pursuant to Rules 12(b)(3) 12(b)(1), 12(b)(2) and/or 12(b)(6) Based Upon Contractual Forum Selection Clause; in the Alternative, Motion to Transfer Pursuant to Fed. R. Civ. P. 14 and 28 U.S.C. §§ 1404 or 1406 (Dkt. #158). The motion is fully briefed.

Counsel for Endeca has conferred with counsel for Newegg Inc., and Newegg Inc. does not oppose this motion.

Date: November 4, 2010

Respectfully submitted,

/s/ Jennifer Parker Ainsworth  
Jennifer Parker Ainsworth  
Texas State Bar No. 00784720  
WILSON, ROBERTSON & CORNELIUS, P.C.  
909 ESE Loop 323  
Suite 400  
Tyler, TX 75701  
Tel: 903-509-5000  
Fax: 903-509-5092  
[jainsworth@wilsonlawfirm.com](mailto:jainsworth@wilsonlawfirm.com)

Scott C. Ford  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY AND POPEO, P.C.  
One Financial Center  
Boston, Massachusetts 02111  
Tel: 617-542-6000  
Fax: 617-542-2241  
[scford@mintz.com](mailto:scford@mintz.com)

ATTORNEYS FOR THIRD-PARTY  
DEFENDANT ENDECA TECHNOLOGIES, INC.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3), on this the 4th day of November, 2010.

/s/ Jennifer Parker Ainsworth  
Jennifer Parker Ainsworth

### **CERTIFICATE OF CONFERENCE**

This is to certify that counsel for Endeca Technologies, Inc. has conferred with counsel for Newegg Inc. concerning this motion and they do not oppose the motion.

/s/ Jennifer Parker Ainsworth  
Jennifer Parker Ainsworth